



Application Serial No.: 09/580,904
Attorney Docket No.: 042846-0312808

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Avner SHAFRIR, *et al.*
SERIAL NUMBER: 09/580,904 EXAMINER: Tadesse Hailu
FILING DATE: May 31, 2000 ART UNIT: 2173
FOR: VISUAL INDICATOR OF NETWORK USER STATUS BASED ON USER INDICATOR

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

In response to the Advisory Action mailed November 23, 2005, Applicant requests review of the final rejection in the above-identified application. This request is being concurrently filed with a Notice of Appeal. The review is requested for the reasons provided in the **Remarks** below. A total of **5** pages are provided.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 033975 (**Ref. No. 042846-0312808**).

Remarks

Claims 1-33 are all the claims pending in this application. In view of the following remarks, the rejection of all of the pending claims should be withdrawn.

Claim Rejections under 35 U.S.C. § 103

Claims 1-33 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Mirabilis Ltd., Quick Tour (“Quick Tour”), allegedly disclosed February 12, 1998, in view of

ICQ Inc., ICQ Email Signature (“ICQ Email Signature”), allegedly disclosed May 2, 1999. Applicants respectfully traverse this rejection.

Independent claim 32 recites, among other things, an identification determining module that references the user directory to access at least two user indicators that correspond to the at least two network users associated with the at least two user depictions included in the documents and a user indicator presentation module that presents the at least two user indicators within the documents, wherein the user indicator presentation module is capable of presenting the at least two user indicators within the two or more types of electronic documents that are capable of being generated using the two or more types of applications. At least these features are not taught or suggested by the cited references.

In an exemplary embodiment, an electronic document may include names of recipients and/or originators (see the Specification at page 11, lines 20-22). A user directory may be used to determine user indicators that correspond to users depicted in the document (see the Specification at page 10, lines 24-29). User indicators may be presented wherever users are depicted within two or more types of electronic documents that are capable of being generated using two or more types of applications (see the Specification at page 5, lines 25-30).

By contrast, Quick Tour appears to disclose a contact list that provides a plurality of user indicators. Apparently, a user can select a user indicator from a contact list to determine user status and to initiate communications with the user (see Quick Tour, page 3). However, Quick Tour does not disclose documents generated by the two or more applications, wherein each document includes at least two user depictions associated with at least two network users. Thus, Quick Tour does not teach all of the claim features.

Email Signature does not cure this deficiency. Email Signature does not disclose user depictions within the document. Rather, at best, it enables a user to add a user indicator to a document in an email signature block. Furthermore, Email Signature does not disclose an identification determining module that references a user directory to access at least two user indicators that correspond to at least two network users associated with user depictions in the original content of an electronic document. Rather, the user must enter a user indicator into an email message. Therefore, the cited references, both alone and in combination, fail to teach or suggest an identification determining module that references the user directory to access at least

two user indicators that correspond to the at least two network users associated with the at least two user depictions included in the documents and a user indicator presentation module that presents the at least two user indicators within the documents, wherein the user indicator presentation module is capable of presenting the at least two user indicators within the two or more types of electronic documents that are capable of being generated using the two or more types of applications. For at least this reason, claim 32 is allowable over the cited art.

Independent claim 33 recites a user indicator presentation module that presents a plurality of user indicators, the plurality of user indicators being presented within two or more of the plurality of document fields and being associated with two or more network users, wherein the user indicator presentation module is capable of presenting the plurality of user indicators within the two or more types of electronic documents that are capable of being generated using the two or more types of applications, among other things. In an exemplary embodiment, status information may be included in any field of an electronic document. For example, these fields may include a “To” field, a “From” field, a “CC” field, and/or other fields. (see the Specification at page 11, lines 21-25; and FIGS. 3-9).

Quick Tour does not disclose presenting user indicators in two or more types of electronic documents. Quick Tour appears to describe a contact list that provides a plurality of user indicators, wherein the contact list is external to any document. Apparently, a user can select a user indicator from a contact list to initiate communications with the user (see Quick Tour, page 3). Thus, Quick Tour alone does not teach all of the claim features. Furthermore, Email Signature does not suggest this feature because ICQ Email Signature appears to only enable status information to be displayed in a signature block. Therefore, the cited references, both alone and in combination, fail to teach or suggest a user indicator presentation module that presents a plurality of user indicators, the plurality of user indicators being presented within two or more of the plurality of document fields and being associated with two or more network users, wherein the user indicator presentation module is capable of presenting the plurality of user indicators within the two or more types of electronic documents that are capable of being generated using the two or more types of applications. For at least this reason claim 33 is allowable over the cited art.

Additionally, independent claims 32 and 33, along with independent claims 1, 6, 13, 18, and 26-29 recite, among other things, “status indicator presenting means for presenting at least the status indicator and the user indicators in the two or more types of electronic documents to provide the status of network users via the two or more types of applications.” Quick Tour and Email Signature, both alone and in combination with one another, fail to teach or suggest at least this features. Quick Tour appears to describe a method for downloading, installing, and configuring the ICQ application. Users of the ICQ application, when logged into the ICQ application, may view *a status associated with other ICQ users* indicating whether or not the other users are available. The Examiner labels the status indicators associated with other *ICQ users* as a “status indicator” (see Office Action, pages 3-4). Additionally, the Examiner labels a *user indicator* to be a name or ICQ number associated with the user (Office Action, page 4).

The Examiner admits that Quick Tour does not teach or suggest one or more *user indicators* within the two or more types of electronic documents, wherein the electronic document types are capable of being generated using two or more types of applications and wherein each user indicator is associated with at least one network user. The Examiner relies on Email Signature to remedy this deficiency.

The Examiner alleges that Email Signature discloses that any email application may generate and present a status indicator within at least one electronic document. Additionally, the Examiner alleges that Email Signature disclose that users may select any email application and “generate and insert signature, i.e., HTML user indicator into any one of the selected applications” (Office Action, page 5). Email Signature, however, appears to disclose placing a *user indicator* (i.e. a name or ICQ #) in the signature block of an email application. The Examiner clearly defines the “status indicator” to include a color-code symbol (flower icon) and the user indicator to include a name or ICQ # associated with the user. In view of the Examiner’s definition of “status indicator” as it relates to Quick Tour, there is no support for the Examiner’s allegation that Email Signature disclose a status indicator. Rather, Email Signature appears to disclose a user indicator.

Even if Email Signature discloses inserting a user indicator in an email application, it does not follow that Email Signature discloses a status indicator. The “user indicator” appear to be a link enabling the recipient of a message including the email signature to respond directly to

the user's desktop through ICQ. Email signature discloses that if the ICQ original email sender is offline, the user will receive the message when logging on to the internet (see page 1 if Email Signature). However, Email Signature does not disclose that the recipient of the message receives an indication of the sender's status. In fact, creating a signature block, as described in Email Signature, appears to enable users to maintain communication within ICQ while sending a message to a non-ICQ user. The signature appears to provide an alternative means for communicating with the sender of the message other than simply replying to the email via the non-ICQ email application. This is analogous to providing an alternate email address in an email signature. If the recipient of the email selects the alternate email address, the response is sent to the alternate email address, rather than replying to the originating email address.

Because Quick Tour and Email Signature fail to teach or suggest each and every claim element, claim 1 is patentable over these references. Independent claims 6, 13, 18, 26-29, 32, and 33 recite patentable features similar to those described above in reference to claim 1. As such, these claims are allowable for the reasons provided above. Claims 2-5, 7-12, 14-17, 19-25, 30, and 31 depend from and add features to one of the independent claims. Thus, these claims are allowable at least by virtue of their dependency.

Dated: December 2, 2005

Respectfully submitted,

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